IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CRIMINAL DOCKET NO. 5:11-CR-73-RLV-DSC

UNITED STATES OF AMERICA,)	
)	
)	
)	<u>ORDER</u>
v.)	
)	
BRIAN R. TEAGUE,)	
)	
Defendant.)	

THIS MATTER is before the Court on Defendant's pro se "Motion to Substitute Attorney" (doc. 580) filed October 24, 2013. The Court held a hearing in this matter on November 6, 2013.

Defendant's Motion complains about his appointed counsel Brian M. Aus. The Court has reviewed the Response (doc. 583) to Defendant's letter filed by Mr. Aus. In his Response, Mr. Aus adequately responds to Defendant's contentions. Defendant's contentions do not warrant the removal of Mr. Aus as counsel.

However, at the hearing Mr. Aus further represented to the Court that Defendant has sent him correspondence demeaning counsel's integrity. While Mr. Aus did not proffer the correspondence, he represented that the contents indicate that the attorney-client relationship is irreparably damaged such that he cannot effectively represent the Defendant. Based upon this representation, the Court relieves Mr. Aus as appointed counsel for Defendant. The Federal Defender is directed to appoint new counsel.

The Court notes that Defendant complained about his previous appointed counsel Roderick M. Wright. See doc. 471. After a hearing, the Court relieved Mr. Wright as

Defendant's counsel under circumstances similar to those here. The Court warns Defendant that continued unwarranted complaints about counsel may result in the Court finding that he has forfeited his right to counsel in this matter. See United States v. Coleman, No. 3:09-CR-207, 2010 WL 4395358, at *5 (E.D.Va. October 28, 2010) (finding Defendant forfeited his right to counsel by his dilatory tactics and unwillingness to work with his attorneys including filing three pro se motions, communicating regularly with the Clerk's office and dismissing his attorneys when they failed to pursue his preferred courses of action).

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees

SO ORDERED.

Signed: November 7, 2013

David S. Cayer

United States Magistrate Judge